

Express Mail Label No.: EV054295609US

Date of Deposit: March 28, 2002

Attorney Docket No.: 21402-132 (CURA 432)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:

Spytek et al.

SERIAL NUMBER:

09/965,422

EXAMINER: Not Yet Assigned

FILING DATE:

September 27, 2001

ART UNIT: 1645

FOR:

NOVEL PROTEINS AND NUCLEIC ACIDS ENCODING SAME

**BOX Missing Parts**

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

In response to the Notice To File Missing Parts mailed October 29, 2001, Applicants submit herein an executed Combined Declaration and Power of Attorney; a computer readable form (CRF) copy of the "Sequence Listing;" a paper copy of the "Sequence Listing;" and a statement that the content of the paper and computer readable copies are the same and include no new matter, in compliance with 37 C.F.R. §§ 1.821-1.825; a Preliminary Amendment; and payment of the \$130.00 surcharge for late filing (Check # 12218).

Applicants enclose herewith a Petition for a three-month extension of time pursuant to 37 C.F.R. §1.136(a) and a \$920.00 check (Check # 12219) as required by 37 C.F.R. §1.17(a)(3). With this extension of time, the present Response is due on or before March 29, 2002. Applicants believe that no additional fees are due with this filing, however, the Commissioner is authorized to charge any additional fees due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 21402-132, CURA 432).

Respectfully submitted,

*Ivor R. Elrifi, Naomi S. Biswas*  
Ivor R. Elrifi, Reg. No. 39,529  
Naomi S. Biswas, Reg. No. 38,384  
Attorneys for Applicants  
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Dated: March 28, 2002

Express Mail Label No.: EV054295609US  
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PATENT APPLICATION  
Attorney Docket No. 21402-132 (CURA 432)



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PATENT TRADEMARK OFFICE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Spytek et al.  
SERIAL NUMBER : 09/965,422 EXAMINER : Not Yet Assigned  
FILING DATE : September 27, 2001 ART UNIT : 1645  
FOR : NOVEL PROTEINS AND NUCLEIC ACIDS ENCODING SAME

March 28, 2002  
Boston, Massachusetts

### BOX Missing Parts

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

### TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the present application are the following documents:

- Response to Notice to File Missing Parts (1 page);
- Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages);
- Computer Readable Form of Sequence Listing (1 disc);
- Paper form of Sequence Listing (81 pages);
- Statement in Support of Computer Readable Form Submission (1 page);
- Preliminary Amendment to incorporate Sequence Listing (2 pages);
- Three-Month Petition for Extension of Time (1 page);
- Combined Declaration and Power of Attorney (3 counterparts; 6 pages each);
- Check (#12218) in the amount of \$130.00;
- Check (#12219) in the amount of \$920.00; and
- Return Postcard.

The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311 (Reference No. 21402-132, CURA 432). A duplicate copy of this transmittal letter is enclosed.

Applicants: Spytek et al.  
U.S.S.N.: 9/965,422

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

*Ivor R. Elrifi*  
Ivor R. Elrifi, Reg. No. 39,529  
Naomi S. Biswas, Re. No. 38,384  
MINTZ, LEVIN, COHN, FERRIS,  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/965,422	09/27/2001	Kimberly A. Spytek	21402-132 (Cura 432)



MINTZ, LEVIN, COHN, FERRIS, MAR 28 2002  
 GLOVSKY AND POPEO, P.C.  
 One Financial Center  
 Boston, MA 02111

CONFIRMATION NO. 3633

## FORMALITIES LETTER



\*OC000000006989544\*

Date Mailed: 10/29/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

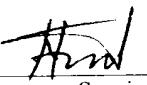
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at

**patin21help@uspto.gov or patin3help@uspto.gov**

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*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY